REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 92-97 are pending in the application. Claims 92-97 are newly added; and Claims 9-21, 27-42, 49-63, 69-84 and 91 are canceled by the present amendment. Support for the new claims can be found in the original specification, claims and drawings.[1] No new matter is presented.

In the Final Office Action of July 14, 2008 (herein, the Final Office Action), Claims 9-11, 17-19, 27-29, 32-34, 49-51, 55-57, 69-71, 74 and 76 are rejected under 35 U.S.C. § 102(e) as anticipated by Flanagin et al. (U.S. Patent 7,149,813, Flanagin); Claims 12, 14-16, 20, 30, 36, 38-40, 53, 58, 60-62, 72, 75, 78 and 80-82 are rejected under 35 U.S.C. § 103(a) as unpatentable over Flanagin in view of Svensson et al. (U.S. Pub. 2003/0125063, Svensson); Claims 35, 52 and 77 are rejected under 35 U.S.C. § 103(a) as unpatentable over Flanagin in view of Narin (U.S. Pub. 2002/0091755); Claims 13, 21, 31, 37, 54, 59, 73 and 79 are rejected under 35 U.S.C. § 103(a) as unpatentable over Flanagin in view of Mukundan et al. (U.S. Pub. 2007/0016639, Mukundan); Claims 41 and 83 are rejected under 35 U.S.C. § 103(a) as unpatentable over Flanagin in view of Svensson and Narin; and Claims 42, 63, 84 and 91 are rejected under 35 U.S.C. § 103(a) as unpatentable over Flanagin in view of Svensson and Mukundan.

As noted above, Claims 9-21, 27-42, 49-63, 69-84 and 91 are canceled by the present amendment, thereby rendering the above noted rejections moot. Nonetheless, Applicant respectfully submits that new independent Claim 92 recites novel features clearly not taught or rendered obvious by the applied references.

[1] e.g., original claims 1-91 and at least at Fig. 8 and pp. 48-58 of the specification.

New independent Claim 92 recites, in part, a communication apparatus adapted to communicate with another communication apparatus as a communication counterpart, the communication apparatus comprising:

> a first storage unit configured to store a first operation request from the other communication apparatus for requesting the communication apparatus to perform a predetermined operation and a first operation response to the first operation request;
>
> a second storage unit configured to store a second operation request for requesting the other communication apparatus to perform a predetermined operation;
>
> a status storage unit configured to ***store status information indicating which of not-processed status, presently-processing status and processed status as a current status of the first and second operation requests***;
>
> an acquisition unit configured to acquire the operation response associated with the first operation request from the first storage unit, the current status of the operation response corresponding to the processed status in the status storage unit, and to acquire the second operation request from the second storage unit, the current status of the second operation request corresponding to the not-processed status in the status storage unit ...

As disclosed in an exemplary embodiment at Figs. 8-10 and pp. 47-49 of the specification, the client device includes both a client command pool and a server command pool which include both client command sheets and server command sheets that reflect various information (including a status) concerning operations requests transmitted between the two devices. Independent Claim 92 specifically recites the nature of the status information stored, and specifies specific operations of the acquisition unit on the basis of this stored status information.

Turning to the applied primary reference, Flanagin describes a protocol for synchronizing data between a plurality of devices. This protocol allows responses to synchronization requests to be grouped with commands in a single XML document, and provides a command for requesting a single object to be sent without requiring that all unsynchronized objects be sent.[2]

[2] Flanagin, Abstract.

Flanagin, however, fails to teach or suggest a communication apparatus that includes "a status storage unit configured to ***store status information indicating which of not-processed status, presently-processing status and processed status as a current status of the first and second operation requests***" and "an acquisition unit configured to acquire the operation response associated with the first operation request from the first storage unit, the current status of the operation response corresponding to the processed status in the status storage unit, and to acquire the second operation request from the second storage unit, the current status of the second operation request corresponding to the not-processed status in the status storage unit", as recited in new independent Claim 92.

In rejecting the previously claimed features directed to storing data indicating a status of each of the operation requests transmitted and received between the communication apparatus and the communication counterpart, the Final Office Action relies on col. 5, ll. 30-40 and col. 11, l. 53 – col. 12, l. 28 of Flanagin, asserting that the "status" tag included in transmitted XML document is analogous to the above noted claimed feature. However, as described in detail at col. 11, l. 55 – col. 12, l. 28 of Flanagin, the "status" tag may be used to enclose data relating to the success or failure of a requested operation. The table in col. 12, ll. 1-10 of Flanagin provides examples of the type of status information that may be used to indicate the result of a requested operation. Thus, this cited portion of Flanagin does appear to describe that the communication apparatus that receives an operation request generates an operation response indicating a status result of the operation performed in response to the operation request. Flanagin, however, fails to teach or suggest that the entity which transmits the operation requests stores data indicating a status of the transmitted operation request, as required in independent Claim 92.

More particularly Flanagin fails to teach or suggest "a status storage unit configured to ***store status information indicating which of not-processed status, presently-processing***

status and processed status as a current status of the first and second operation requests", as recited in new independent Claim 92. Further, Flanagin fails to teach or suggest "an acquisition unit configured to acquire the operation response associated with the first operation request from the first storage unit, the current status of the operation response corresponding to the processed status in the status storage unit, and to acquire the second operation request from the second storage unit, the current status of the second operation request corresponding to the not-processed status in the status storage unit", which is also a feature required by new independent Claim 92.

Further, none of the applied secondary references cure the above noted deficiencies of Flanagin. Accordingly, Applicant respectfully submits that new independent Claim 92, and Claims 93-97, which depend therefrom, patentably define over the applied references.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 92-97 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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